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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,461

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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,461	Applicant(s) BICHOT ET AL.	
	Examiner JULIO PEREZ	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3, 8, 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brideglall (US 20070091845A1) in view of Nassiri-Toussi et al. (US007194011B1) in view of Malek et al (2004/0081117).

Regarding claim 1, Brideglall discloses transition from one system to another to include WLAN to wide area network, i.e., a cellular network, which enables a mobile communications device to transition from a first wireless communications network to a second wireless communications network, comprising the steps of: and broadcasting the second network synchronization channel for receipt at a common receiver in the mobile communications device together with a first network synchronization channel to enable to the mobile communications device to synchronize with, and transition to, the second wireless communications network (par. 12, mobile station transits from one network to the other, i.e., from the WLAN to the WWAN efficiently).

Although Brideglall teaches mobile station transits from one network to the other, i.e., from the WLAN to the WWAN, Brideglall does not specifically disclose is generating in the second network a second network synchronization channel having a prescribed pattern unique to the second network. This mechanism is known in the art, Nassir-Toussi provides a system with cell search that includes a primary and secondary synchronization channels for timing data transfer or handoff schemes (col. 2, lines 23-67-col. 3, lines 1-36; col. 34-56; col. 8, lines 33-67-col. 9, lines 1-5).

Brideglall and Nassir-Toussi are analogous art because they are from a similar field of endeavor providing handoff from one network to the other. Thus, it would have obvious to one of skilled in the art at the time of the invention to modify the teachings of Brideglall, such that generating in the second network a second network synchronization channel having a prescribed pattern unique to the second network, in order to synchronize the cells with which the mobile is communicating during handoff so that the handoff may be performed smoothly and efficiently.

Brideglall and Nassir-Toussi do not explicitly teach wherein the second network synchronization signal is transmitted at the same frequency as the first network synchronization signal. Malek, however, discloses a system that uses the same baseband information when transferring from one network to the other, i.e., from network WLAN to the CDMA cellular network and using the same synchronization channel (frequency) information onto the other network that is transferred to (pars. 17, 18, 19-20, 21-22, 23, lines 19-32; 24-25, 27, 39).

Brideglall, Nassir-Toussi, and Malek are analogous art because they are from a similar field of endeavor in providing handoff between two systems or networks and providing synchronization. Thus, it would have obvious to one of skilled in the art, at the time of invention, to modify the teachings of Brideglall in view of Nassir-Toussi with the mechanisms taught by Malek in avoid interference between the systems when transferring form one network to the other.

Regarding claim 2, the combination discloses claim 1, wherein the generating step comprises the step of generating a Primary- Synchronization Channel of a type utilized within the first wireless communications network for cell searching (Nassir-Toussi, col. 2, lines 23-46).

Regarding claim 4, Brideglall discloses transition from one system to another to include WLAN to wide area network, i.e., a cellular network, operating a mobile communications device to enable a seamless transition from a first wireless communications network to a second wireless communications network, comprising the steps of: the second network synchronization channel having a pattern unique to the second wireless communications network; establishing the identity of the second wireless communications network by matching the --pattern of second-network synchronization channel with the pattern associated with the second wireless communications network; and transitioning to the second communications network after the identity thereof has been established ((par. 12, mobile station transits from one network to the other, i.e., form the WLAN to the WWAN efficiently; the target network is identified to where the mobile device is to be handed-off).

Although Brideglall teaches mobile station transits from one network to the other, i.e., from the WLAN to the WWAN, Brideglall does not specifically disclose receiving at a common receiver in the mobile communications device a second network synchronization channel from the second wireless communications network together with a first network synchronization channel from the first wireless communications network. This mechanism is known in the art, Nassir-Toussi provides a system with cell search that includes a primary and secondary synchronization channels for timing data transfer or handoff schemes (col. 2, lines 23-67-col. 3, lines 1-36; col. 34-56; col. 8, lines 33-67-col. 9, lines 1-5).

Brideglall and Nassir-Toussi are analogous art because they are from a similar field of endeavor providing handoff from one network to the other. Thus, it would have been obvious to one of skill in the art at the time of the invention to modify the teachings of Brideglall, such that generating in the second network a second network synchronization channel having a prescribed pattern unique to the second network, in order to synchronize the cells with which the mobile is communicating during handoff so that the handoff may be performed smoothly and efficiently.

Brideglall and Nassir-Toussi do not explicitly teach wherein the second network synchronization signal is transmitted at the same frequency as the first network synchronization signal. Malek, however, discloses a system that uses the same baseband information when transferring from one network to the other, i.e., from network WLAN to the CDMA cellular network and using the same synchronization

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channel (frequency) information onto the other network that is transferred to (pars. 17, 18, 19-20, 21-22, 23, lines 19-32; 24-25, 27, 39).

Brideglall, Nassir-Toussi, and Malek are analogous art because they are from a similar field of endeavor in providing handoff between two systems or networks and synchronization. Thus, it would have obvious to one of skilled in the art, at the time of invention, to modify the teachings of Brideglall in view of Nassir-Toussi with the mechanisms taught by Malek in avoid interference between the systems when transferring form one network to the other.

Regarding claims 5, 6, the combination discloses claim 4 wherein the establishing step is performed while the mobile communications device operates in a Frequency Division Duplex mode (Brideglall provides communication between devices in TDM or FDM, pars. 33-36).

Regarding claim 7, the combination discloses claim 4 wherein the second network synchronization signal comprises a Primary-Channel Synchronization Channel of a type utilized within the first wireless communications network for cell searching (Nassir-Toussi, col. 2, lines 23-46, provides channel synchronization with first channel).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brideglall (US 20070091845A1) in view of Nassiri-Toussi et al. (US007194011B1).

Regarding claim 9, Brideglall discloses transition from one system to another to include WLAN to wide area network, i.e., a cellular network, operating a mobile communications device to enable a seamless transition from a first wireless communications network to a second wireless communications network in combination

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with a wireless Local Area Network having at least one access point for exchanging information with a mobile communications device capable of communicating with a wireless telephony network, a basic transmitter for transmitting a wireless LAN synchronization signal second for receipt at a common receiver in the mobile communications device together with a first synchronization channel transmitted by the wireless telephony network to enable to the mobile communications device to synchronize with, and transition to, the wireless LAN (Figure 1, 102-106, 108-110; pars. 12, 33-35, 38, teach seamless transition from one network to the other, for example from a WWLAN to a WLAN and vice versa).

Brideglall does not explicitly teach wherein the second network synchronization signal is transmitted at the same frequency as the first network synchronization signal. Malek, however, discloses a system that uses the same baseband information when transferring from one network to the other, i.e., from network WLAN to the CDMA cellular network and using the same synchronization channel (frequency) information onto the other network that is transferred to (pars. 17, 18, 19-20, 21-22, 23, lines 19-32; 24-25, 27, 39).

Brideglall and Malek are analogous art because they are from a similar field of endeavor in providing handoff between two systems or networks and synchronization. Thus, it would have obvious to one of skilled in the art, at the time of invention, to modify the teachings of Brideglall with the mechanisms taught by Malek in avoid interference between the systems when transferring from one network to the other.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brideglall (US 20070091845A1) in view of Malek et al (2004/0081117) further in view of Nassiri-Toussi et al. (US007194011B1).

Regarding claim 10, the combination discloses claim 9, but the second network synchronization channel comprises a Primary- Synchronization Channel of a type utilized within the wireless telephony network for cell searching. This limitation is known in the art, Nassir-Toussi provides a system with cell search that includes a primary and secondary synchronization channels for timing data transfer or handoff schemes (col. 2, lines 23-67-col. 3, lines 1-36; col. 34-56; col. 8, lines 33-67-col. 9, lines 1-5). Thus, it would have obvious to one of skilled in the art at the time of the invention to modify Brideglall, such that generating this is limitation is known in the art, Nassir-Toussi provides a system with cell search that includes a primary and secondary synchronization channels for timing data transfer or handoff schemes (col. 2, lines 23-67-col. 3, lines 1-36; col. 34-56; col. 8, lines 33-67-col. 9, lines 1-5), in order to synchronize the cells with which the mobile is communicating during handoff so that the handoff may be performed smoothly and efficiently.

Allowable Subject Matter

6. Claims 3, 8, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either singularly or in combination, teach or fairly suggest wherein explicitly the generating step comprises the

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step of generating a Secondary - Synchronization Channel of a type utilized within the first wireless communications network for achieving frame synchronization and scrambling code detection in connection with a cell search.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/12/2010

/J. P./
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617